

# Frankfurt Kurnit Klein + Selz PC

Andrew J. Ungberg  
488 Madison Avenue, New York, New York 10022  
T (212) 705 4868 F (347) 438 2195  
aungberg@fkks.com

August 7, 2017

**SO ORDERED:**

*Alison J. Nathan*  
HON. ALISON J. NATHAN  
UNITED STATES DISTRICT JUDGE

8/8/17

**VIA ECF**

Hon. Alison J. Nathan  
United States Judge  
Thurgood Marshall United States Courthouse  
400 Foley Square  
New York, New York 10007

RE: Mantel v. Microsoft Corp. et. al., 16-cv-05277

Dear Judge Nathan:

We represent all defendants in this action, including lead defendant Zazoom LLC (collectively, "Defendants"). Together with counsel for plaintiff John Mantel ("Plaintiff"), the parties respectfully request that the Court adjourn the current filing deadline for summary judgement motions, August 14, 2017, and enter order that implements the parties' agreed-upon briefing schedule set forth below.<sup>1</sup>

SO  
OR DERED

Following the post-discovery conference in this case on July 14, 2017, the parties met and conferred regarding their respective plans for dispositive motion practice. Because the parties both intend to make motions for summary judgment pursuant to Fed. R. Civ. P. 56(a), the parties have conferred on a briefing schedule consistent with Section (3)(G)(viii) of Your Honor's individual practices. Based on these discussions, the parties have agreed on the following briefing schedule:

Deadline	Date
Plaintiff's Opening Brief	August 25, 2017
Defendants' Opening & Opposition Brief	September 22, 2017
Plaintiff's Opposition & Reply Brief	October 20, 2017
Defendants' Reply Brief	November 3, 2017

Thereafter, the parties will be prepared for oral argument on their respective motions on December 1, 2017, or as the Court may schedule such argument.

<sup>1</sup> The parties' stipulated briefing schedule is attached to this letter motion as Exhibit A and, consistent with the Local Rules, has also been submitted by e-mail to the orders and judgments clerk at the Southern District.

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August 7, 2017  
Page 2 of 2

This application represents the parties' first request to adjourn the deadlines relating to summary judgement motions.

Counsel for both parties are available at the Court's convenience to discuss this or any other matter.

Respectfully Submitted,  
**FRANKFURT KURNIT KLEIN &  
SELZ P.C.**

*/s/ Andrew J. Ungberg*

Andrew J. Ungberg  
Edward H Rosenthal  
*Attorneys for Defendants*

cc: Richard Liebowitz  
James H. Freeman  
*Attorneys for Plaintiff John Mantel*

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
JOHN MANTEL,

Plaintiff,

Case No. 1:16-cv-05277

v.

GANNETT COMPANY, INC., HEARST  
STATIONS, INC., HEARST  
NEWSPAPERS, LLC, TOSHIBA AMERICA  
INFORMATION SYSTEMS, INC.,  
LENOVO (UNITED STATES) INC.,  
GANNETT SATELLITE INFORMATION  
NETWORK, LLC, VERIZON SERVICES  
CORP., TEGNA, INC., MICROSOFT  
CORPORATION, AOL INC., AND  
ZAZOOM, LLC

----- STIPULATED BRIEFING SCHEDULE

Defendants.

----- X

WHEREAS, Plaintiffs and Defendants each intend to file motions pursuant to Fed. R. Civ. P. 56(a) (together the "Motions") in the above-captioned case; and

WHEREAS, the parties have met and conferred regarding a briefing schedule for the Motions based on the procedures set forth in Section 3(G)(vii) of the Court's Individual Practices.

IT IS HEREBY STIPULATED AND AGREED, by the undersigned counsel for Plaintiff and all Defendants that:

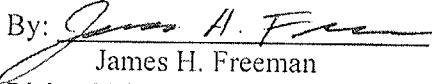
1. The briefing schedule for the Motions shall be as follows:

Deadline	Date
Plaintiff's Opening Brief	August 25, 2017
Defendants' Opening & Opposition Brief	September 22, 2017
Plaintiff's Opposition & Reply Brief	October 20, 2017
Defendants' Reply Brief	November 3, 2017

2. The parties shall be ready for oral argument on the Motions as of December 1, 2017, or as the Court may schedule for counsel to be heard.

Dated: August 7, 2017

LIEBOWTIZ LAW FIRM, PLLC

By:   
James H. Freeman  
Richard Liebowitz  
11 Sunrise Plaza, Suite 301  
Valley Stream New York 11580  
(516) 233-1660  
JF@LiebowitzLawFirm.com  
RL@LiebowitzLawFirm.com

*Attorneys for Plaintiff John Mantel*

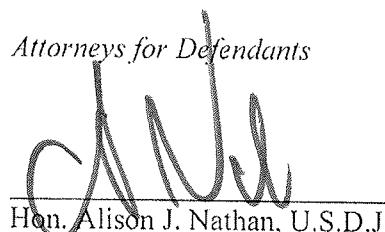
SO ORDERED:  
August 8, 2017

Dated: August 7, 2017

FRANKFURT KURNIT KLEIN & SELZ

P.C.  
By:   
Andrew J. Ungberg  
Edward H. Rosenthal  
488 Madison Avenue, 10th Floor  
New York, New York 10022  
Tel: 212-980-0120  
aungberg@fkks.com  
erosenthal@fkks.com

*Attorneys for Defendants*

  
Hon. Alison J. Nathan, U.S.D.J.

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